

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GREATER DELAWARE VALLEY
SAVINGS BANK,
Plaintiff,

v.

STEVEN B. KING,
Defendant.

CIVIL ACTION NO. 1:CV-01-1117

(Judge Kane)

FILED
HARRISBURG

JUN 21 2002

MARY E. D'ANDREA, CLERK
Per. 
DEPUTY CLERK

ORDER

On February 28, 2002, Babst, Calland, Clements and Zomnir, P.C., counsel of record for the Defendant, Steven B. King, filed a motion for leave to withdraw as counsel. On April 5, 2002, this Court ordered briefing on the motion, explicitly granting leave to the Defendant to file any opposition to the motion to withdraw. Defendant was served with the order by certified mail. The acknowledgment signed by Defendant indicates he received the motion on April 12, 2002.

Counsel seeks to withdraw because of Defendant's failure to pay his attorney's fees and expenses, and because of Defendant's failure to communicate with counsel. Defendant has not paid counsel since November 2001. Further, Defendant has not returned multiple calls, faxes and letters from his counsel. Counsel has been unable to communicate with the Defendant, and is thus unable to provide effective representation. Neither Plaintiff's counsel, nor Defendant, has filed any opposition to the pending motion.

On May 28, 2002, this Court scheduled a telephone conference, to be held on June 19, 2002. This order was served on Defendant by certified mail; acknowledgment of his receipt of the order was received by the Court on June 12, 2002. Nevertheless, Defendant failed to call the

Court, as required by Court order, to provide a telephone number at which he could be reached for the June 19, 2002 telephone conference. The Court cancelled the telephone conference. Because the Defendant does not appear to be participating in the defense of this suit, either through cooperation with his attorney, or through direct participation as required by orders of this Court, the Court will grant his counsel's motion for leave to withdraw.

AND NOW, therefore, **IT IS ORDERED THAT** Babst, Calland, Clements and Zomnir, P.C.'s motion for leave to withdraw as counsel to Defendant (doc. 19) is **GRANTED. IT IS FURTHER ORDERED THAT** no later than July 10, 2002, Defendant shall obtain new counsel, who shall file an appearance with this Court, or Defendant shall file a statement with the Court that his is ready to proceed without the assistance of counsel. Failure of the Defendant to comply with this order will result in this Court entering default against him, pursuant to Federal Rule of Civil Procedure 55. The Clerk of Court shall serve a copy of this order on Defendant by certified mail.



Yvette Kane
United States District Judge

Dated: June 19, 2002.